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CRIME

Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

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Items 3, 4, 5 and 6 of the provisional agenda*
Promoting the rule of law and strengthening the criminal justice system
International cooperation in combating transnational crime: new challenges in the twenty-first century
Effective crime prevention: keeping pace with new developments
Offenders and victims: accountability and fairness in the justice process

Preliminary draft of the Vienna Declaration of Crime and Justice: Meeting of the Challenges of the Twenty-first Century

Note by the Secretariat

Addendum

Amendments to the preliminary draft of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (A/CONF.187/4)

The attached amendments to the preliminary draft of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century were reviewed at the informal consultative meeting held in Vienna on 30 March 2000. The Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders is to consider the amendments together with the preliminary draft of the Declaration (A/CONF.187/4).

Title

1. South Africa proposes to amend the title of the draft Declaration to read:

   Political Declaration of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000

* A/CONF.187/1.

V.00-52807 (E)

Preamble

2. The United States of America proposes to amend the preamble so as to read: "We the Member States of the United Nations ..."

3. The Holy See and Switzerland propose to amend the preamble so as not to exclude observer States.

4. Colombia proposes to insert the following text as a new third preambular paragraph:

> "Concerned also by the increasing inequalities and imbalances between and within countries and the fact that, despite admirable technical and scientific progress, it has not been possible to create more equitable socio-economic conditions to discourage crime,"

5. Canada proposes to insert the following new preambular paragraph:

> "Aware of the promise of restorative approaches to justice that aim to promote healing of victims, offenders and communities,"

Paragraph 4

6. Colombia proposes to replace in the second sentence the word "countries" with the word "States".

7. Colombia proposes to insert the following new paragraph:

> "(...) We express the conviction that, with more equitable economic development and societies exhibiting less marginalization and inequality, it will be possible to deal with the problems of crime through an approach not limited to law enforcement but incorporating prevention and rehabilitation."

Paragraph 5

8. Germany proposes to amend paragraph 5 to read as follows:

> "5. We shall accord high priority to the expeditious adoption and entry into force of the United Nations Convention against Transnational Organized Crime and, as appropriate, of the international instruments against trafficking in human beings, especially women and children, the smuggling of migrants and the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. We shall undertake to take early steps for the signature of the Convention and the protocols thereto and shall endeavour to ratify those instruments within two years of their adoption."

9. Guatemala, on behalf of the Group of Latin American and Caribbean States, proposes to replace paragraph 5 with the following text:

> "5. We shall accord high priority to the negotiations being pursued within the framework of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime and the protocols thereto, instruments that must reflect the concerns of all States regarding the issues at hand and possess the

universal character necessary to be effective in combating this scourge. This will facilitate their adoption and speedy entry into force."

10. The United States proposes to delete the second sentence of paragraph 5 and to redraft the first sentence to read as follows: "We shall accord high priority to the completion of negotiations of the United Nations Convention against Transnational Organized Crime and the protocols thereto."

11. Japan proposes deleting in the first sentence the word "shall" and the words "and entry into force" and deleting the second sentence.

12. The Islamic Republic of Iran proposes replacing in the second sentence the words "within two years of their adoption" with the words "as soon as possible".

13. Germany proposes to add the following text at the end of paragraph 5: "Implementation commitments concerning the Convention and the three Protocols according to this Declaration will depend on the prior adoption by all parties of the Convention and its three protocols respectively."

14. Germany proposes to add the following text to reflect the importance of providing political guidance in the next rounds of negotiation of the Convention and the draft protocols thereto:

"The heads of delegation at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders agreed on political guidance for the drafting of the United Nations Convention against Transnational Organized Crime on two important issues, namely, on the scope of application of the Convention and on assistance in the implementation of the Convention.

"The scope of application (art. 2) should follow the mandate given by the General Assembly to elaborate a convention against transnational organized crime. At the same time, articles on penalization and on judicial assistance (especially art. 14 and arts. 3, 4, 4 *ter* and 17 *bis*, respectively) should for reasons of practicality also foresee the possibility of a wider scope.

"The articles on assistance and funding (arts. 21 and 21 *bis* of the Convention) should take into account:

"(a) The commitment by developed countries to take steps to make criminal justice a priority within their technical cooperation programmes for good governance;

"(b) The need for support systems for central authorities and prosecution agencies responsible for mutual legal aid and extradition, using modern communication technologies;

"(c) The need to use the existing United Nations Crime Prevention and Criminal Justice Fund for extended technical cooperation activities to support the fight against organized crime. Governments may want to commit themselves to increasing their contributions by, for example, using confiscated assets."

Paragraph 6

15. The United States proposes to amend paragraph 6 to read as follows:

"6. We support efforts to assist Member States, as contemplated by the draft Convention and the draft protocols thereto, in developing legislation, regulations and expertise that will facilitate the rapid adoption and implementation of those instruments."

Paragraph 7

16. The United States proposes to redraft the chapeau of paragraph 7 to read as follows:

"We shall accord a high priority to fulfilling the goals of the draft Convention and the draft protocols thereto, including:"

17. Guatemala, on behalf of the Group of Latin American and Caribbean States, proposes to redraft the first part of paragraph 7 to read as follows:

"Concerning implementation of the Convention and the protocols thereto, we undertake:"

18. The United States proposes to reverse the current order of subparagraphs (b) and (c) of paragraph 7.

19. Japan proposes either (a) to delete paragraph 7; or (b) to insert the words "upon ratification" after the words "the protocols thereto" and to replace the word "undertake" with the word "endeavour".

Paragraph 8

20. The United States proposes to add the following words at the end of paragraph 8 immediately after the word "development": "and call upon the Centre to establish oversight mechanisms to ensure effective development of the programme, as well as those programmes devoted to the prevention of trafficking in persons and corruption."

New paragraph

21. Finland proposes to insert the following new paragraph after paragraph 8 or after paragraph 2:

"(...) We reaffirm that the priority themes of the United Nations Crime Prevention and Criminal Justice Programme are (a) national and transnational crime, organized crime, economic crime, including money-laundering, and the role of criminal law in the protection of the environment; (b) crime prevention in urban areas, juvenile and violent criminality; and (c) efficiency, fairness and improvement in the management and administration of criminal justice and related systems, with due emphasis on the strengthening of national capacities in developing countries for the regular collection, collation, analysis and utilization of data in the development and implementation of appropriate policies. We further reaffirm the need to maintain a balance in work on these different priority themes."

New paragraph

22. The Islamic Republic of Iran proposes to insert the following new paragraph after paragraph 9:

> "(...) We ensure the strengthening of international cooperation in order to eliminate the root causes for the committing of transnational organized crimes such as poverty and underdevelopment."

Paragraph 11

23. The United States proposes to delete paragraph 11.

Paragraph 12

24. The United States proposes to redraft paragraph 12 to read as follows:

> "12. We emphasize that effective action for crime prevention and criminal justice requires the coordination of efforts by the public and private sectors, as well as the recognition of their respective roles and contributions."

Paragraph 13

25. The United States proposes to replace the words "trafficking in human beings" with the words "trafficking in persons".

26. Mexico proposes to insert in the first sentence the words "illegal trafficking in and transporting" before the words "of migrants, in line with the provisions of the two protocols under negotiation ...".

27. Mexico also proposes to insert at the end of the second sentence the words ", which is subject to close consultation with Member States and review by the Commission on Crime Prevention and Criminal Justice," before the phrase "and we establish the year 2005 ...".

28. Cuba proposes to add the following words at the end of paragraph 13: "and, where that is not attained, for assessing the actual implementation of the measures advocated".

29. Japan proposes to delete the words at the end of the first sentence ", in line with the provisions of the two protocols under negotiation supplementary to the United Nations Convention against Transnational Organized Crime".

Paragraph 14

30. The United States proposes to replace the words "illicit trafficking in firearms" with the words "illicit manufacturing of and trafficking in firearms".

31. Colombia proposes to amend paragraph 14 to read as follows:

"14. We also commit ourselves to the enhancement of international cooperation and mutual legal assistance to curb the illicit manufacturing of and trafficking in firearms, in line with the provisions of the protocol under negotiation against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementary to the United Nations Convention against Transnational Organized Crime. We establish the year 2005 as the target year for achieving a significant decrease in the incidence of illicit manufacturing of and trafficking in firearms worldwide through the adoption of measures such as the criminalization of those offences, the requirement of appropriate record-keeping and marking systems and the harmonization of the general requirements for licensing or authorization systems for the export, import and transit of materials of this kind."

32. Japan proposes to insert the words "illicit manufacturing of and" after the words "to curb" and to insert the words "their parts and components and ammunition" after the words "trafficking in firearms". It also proposes to delete the words "in line with the provisions of the protocol under negotiation against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementary to the United Nations Convention against Transnational Organized Crime".

33. France proposes to add the following sentence at the end of paragraph 14: "We attach great importance to the organization of the international conference on illicit arms trade in all its aspects, which will be held in June and July 2001 under the auspices of the United Nations."

Paragraph 15

34. Germany proposes to insert in the first sentence, before the words "building on the United Nations Declaration", the words "in line with the provisions of the United Nations Convention against Transnational Organized Crime".

35. The United States proposes to replace in the first sentence the words "and we request the Secretary-General ..." with the following: "and we endorse the request that the Secretary-General submit a report as requested in the draft resolution before the ninth session of the Commission on Crime Prevention and Criminal Justice".

36. The Netherlands proposes to add the following sentence at the end of paragraph 15: "We note with appreciation the Declaration of the first Global Forum on Fighting Corruption and we look forward to the second Global Forum, which will be held in 2001."

37. Mexico proposes to delete the following words at the end of the first sentence: "and we request the Secretary-General to submit to the Commission on Crime Prevention and Criminal Justice, at its tenth session, a report containing concrete proposals to this effect".

38. Mexico proposes to insert the following new second sentence: "We undertake in particular to develop an effective international legal instrument against corruption, independent of the United Nations Convention against Transnational Organized Crime, and we request the Secretary-General to submit to the Commission on Crime Prevention and Criminal Justice, at its tenth session, in consultation with Member States, a thorough review and analysis of all relevant international instruments and recommendations as part of the preparatory work for the development of such an instrument."

39. Mexico also proposes to add the following words at the end of paragraph 15: "which is subject to close consultation with Member States and review by the Commission on Crime Prevention and Criminal Justice".

40. Japan proposes to replace in the first sentence the words "concrete proposals" with the words "a study of various initiatives taken by other international organizations and the present options".

New paragraph

41. France proposes to insert after paragraph 15 the following new paragraph on money-laundering and economic crime:

> "(...) We reaffirm that the fight against money-laundering and economic crime is an essential element of strategies to combat organized crime, as stated as a principle in the Naples Political Declaration and Global Action Plan against Organized Transnational Crime. We are convinced that the success of that fight lies in the implementation and harmonization of appropriate mechanisms, legal means for the lifting of bank secrecy and the seizure and confiscation of the proceeds of crime, measures to facilitate international cooperation in financial investigations and initiatives targeting States and territories that provide offshore financial services."

42. The United States proposes to insert the following new paragraph to cover money-laundering:

> "(...) We commit ourselves to supporting the work in international forums to take the profit out of crime by taking broad and effective penal and regulatory measures to combat money-laundering and by ensuring broad regimes for the seizure and confiscation of the proceeds of crime."

Paragraph 16

43. Germany proposes to replace the words "in an expeditious manner" at the end of paragraph 16 with the words "taking into account the ongoing work in other forums".

44. The United States proposes to amend paragraph 16 to read as follows:

> "16. We commit ourselves to working towards enhancing our abilities to prevent, investigate and prosecute high-technology and computer-related crime through such means as enactment of effective laws and regulations to aid our authorities in combating this form of criminality, committing sufficient expert personnel in this area and strengthening our abilities to locate and identify criminals who abuse information technologies and to gather evidence of their crimes so that they may be brought to justice."

45. The United States also proposes to add the following words to the end of paragraph 16: "taking into account work currently under way in other forums".

Paragraph 17

46. Peru proposes to insert the following new sentence at the end of paragraph 17: "With this in view, we undertake to do our utmost to ensure that our Governments sign the international instruments concerned with the fight against terrorism, in particular the international convention for the suppression of the financing of terrorism."

47. The United States is of the view that the first sentence should be revised.

Paragraph 18

48. Colombia proposes to amend paragraph 18 as follows:

> "18. We undertake to adopt, as part of crime prevention strategies, measures to combat xenophobia, racism and violation of the rights of migrants, including the development of education programmes and media campaigns to promote tolerance and multiculturalism. We further undertake to promote international cooperation with a view to improving the situation of vulnerable population groups in the countries of origin and the conclusion of bilateral and multilateral agreements aimed at achieving properly regulated migration in place of clandestine immigration flows."

Paragraph 19

49. In the view of the United States, the role formulated for the Centre needs to be reconsidered.

Paragraph 20

50. Germany proposes to delete the words ", in particular transnational organized crime" at the end of the first sentence.

51. The United States proposes to delete the third sentence, which begins with the words "We commit ourselves to the promotion ...".

52. The United States also proposes to amend the fourth sentence to read as follows: "We undertake to review relevant legislation and administrative procedures, as appropriate, with a view to providing the necessary education and training to the officials concerned and ensuring the necessary strengthening of institutions entrusted with the administration of criminal justice."

53. Bolivia proposes to insert in the second sentence the words "and the prosecution authorities" before the words "and the International Code of Conduct for Public Officials".

Paragraph 21

54. The United States proposes to add the following to the end of the sentence: ", and we call upon the Centre for International Crime Prevention to update the Compendium in order to provide the most up-to-date versions of the model treaties to States seeking to utilize them".

Paragraph 22

55. The United States proposes to add a comma after the word "crime".

56. [Not applicable to English.]

Paragraph 23

57. The United States proposes to replace the words "successful policies" with the words "success stories".

58. Canada proposes to replace paragraph 23 with the following text:

> "23. We recognize that comprehensive crime prevention strategies at the national, regional and local levels must address the root causes and risk factors related to crime and victimization, through social, economic, health, educational and justice policies. We urge the development of such strategies, which should take into account social realities, cultures and gender."

New paragraph

59. Canada proposes to add a new paragraph after paragraph 23, to read as folows:

> "(...) We invite the Commission on Crime Prevention and Criminal Justice to consider the adoption of the revised draft elements of responsible crime prevention, prepared by the Expert Group Meeting on Elements of Responsible Crime Prevention."

Paragraph 25

60. Japan proposes to replace the words "including mechanisms for" with the words "such as mechanisms for" and to replace the words "witness protection programmes" with some general expression such as "witness protection policies" or "witness protection measures".

New paragraphs

61. Canada proposes to add the following new paragraphs after paragraph 25:

> "(...) We commit ourselves to formulating restorative justice legislation, policies, procedures and programmes that are respectful of the rights, needs and interests of victims, youthful and adult, offenders, communities and all other parties and that promote a culture favourable to mediation and other restorative justice processes among law enforcement, judicial and social authorities, as well as local communities, and we also commit ourselves to providing appropriate training for those implementing such policies."
>
> "(...) We invite the Commission on Crime Prevention and Criminal Justice to formulate United Nations basic principles and standards to guide States in the fair and effective use of mediation and other restorative justice processes."

Paragraph 26

62. The United States proposes to redraft paragraph 26 to read as follows:

"26. We invite the Commission on Crime Prevention and Criminal Justice to review the areas of concern set forth in this Declaration and to determine how best to set priorities and use existing resources and foreseeable extrabudgetary resources to ensure effective action with respect to the implementation, monitoring and follow-up of the commitments that we have undertaken in this Declaration."

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on the Prevention of Crime
and the Treatment of Offenders

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Note by the Secretariat

Addendum

Amendments to the preliminary draft of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (A/CONF.187/4 and Add.1)

The attached amendments to the preliminary draft of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century were submitted to the Secretariat on 11 April 2000. They should be read in conjunction with documents A/CONF.187/4 and Add.1.

Preamble

1. Colombia proposes to insert the following text as a new third preambular paragraph to replace that found in A/CONF.187/4/Add.1:

> "*Concerned also* by the increase in inequalities and imbalances between and within countries which, despite admirable technical and scientific progress, have worked against the creation of more equitable socio-economic conditions to contribute to combating crime,"

Paragraph 14

2. Colombia proposes to replace paragraph 14 with the following two paragraphs:

"14. We also commit ourselves to the enhancement of international cooperation and mutual legal assistance to curb the illicit manufacturing of and trafficking in firearms, in line with the provisions of the protocol under negotiation against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementary to the United Nations Convention against Transnational Organized Crime.

"(...) We establish the year 2005 as the target year for achieving a significant decrease in the incidence of illicit manufacturing of and trafficking in firearms worldwide through the adoption of measures such as the criminalization of those offences, the requirements of appropriate record-keeping and marking systems and the harmonization of the general requirements for licensing or authorization systems for the export, import and transit of materials of this kind."

New paragraph

3. Morocco proposes to insert the following new paragraph after paragraph 14:

"(...) We are aware that offshore financial centres are locations where approximately one billion dollars are laundered each day and that such centres have been linked to trafficking in drugs and arms and also to tax evasion and crimes involving corruption. We encourage the establishment, under the auspices of the United Nations, of an offshore forum entrusted with the task of enacting minimum standards to be observed by centres used as tax havens and other offshore financial centres in the interest of countering money-laundering and its criminal origins."

Paragraph 17

4. Uzbekistan proposes to add the following text at the end of paragraph 17: "Taking into account that terrorism is on the increase throughout the world and that its threat to international security, human rights and the basic principles of democracy is growing, we call upon States to discuss thoroughly the establishment of an international centre for combating terrorism, as proposed by Uzbekistan at the summit meeting of the Organization for Security and Cooperation in Europe held in Istanbul on 18 and 19 November 1999."

Paragraph 18

5. Colombia proposes to replace paragraph 18 with the following two paragraphs:

"18. We undertake, as part of crime prevention strategies, to combat xenophobia, racism, violation of the rights of migrants and other related forms of discrimination, adopting measures including the organization of educational programmes and media campaigns to promote tolerance and multiculturalism.

"(...) We also undertake to promote international cooperation with a view to improving the situation of vulnerable population groups in migrants' countries of origin and the conclusion of bilateral or multilateral agreements on properly regulated migration."

New paragraph

6. Colombia proposes to add the following new paragraph:

"(...) We express our conviction of the desirability of dealing with the problems of crime in a comprehensive manner not limited to law enforcement. We recognize that more equitable economic development and societies exhibiting less marginalization and inequality will promote the implementation of prevention and rehabilitation programmes."